

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:10-CV-552-FL

ANITA THOMAS,

Plaintiff,

v.

CUMBERLAND COUNTY BOARD
OF EDUCATION; VANSTORY
HILLS ELEMENTARY SCHOOL;
BETTY MUSSELWHITE, Principal,
KAREN KOONCE, and LYNN
GLASS,

Defendants.

ORDER

This matter comes before the court on defendants' motion to stay discovery (DE # 40). Plaintiff, proceeding *pro se*, responded in opposition. In this posture, the issues raised are ripe for review. For the reasons that follow, defendants' motion is allowed and discovery in this case is stayed until resolution of the defendants' motions to dismiss.

A detailed summary of the case history is found in the court's August 18, 2011, order, lodged on the docket at entry 33. The court declines to repeat said history here except to the extent relevant to the instant motion. On August 18, 2011, this court entered order granting plaintiff's motion to amend complaint and denying as moot without prejudice to renewal defendants' motion to dismiss. Thereafter, plaintiff filed amended complaint on September 6, 2011.


On September 7, 2011, defendants filed the instant motion. They ask that discovery in the case be stayed until all motions to dismiss currently pending have been decided by the court. Among

other things, defendants contend that a stay will promote efficiencies, as the court's resolution of the motions to dismiss may dispose of various claims on which the parties would otherwise be conducting discovery at this time. Defendants also note that at the time of filing their motion to stay, two defendants, defendant Karen Koonce ("Koonce") and defendant Lynn Glass ("Glass"), had not yet been served with the summons or proposed amended complaint. The docket reflects that both defendant Koonce and defendant Glass have since filed motions to dismiss that are currently pending.

Plaintiff responded in opposition to the motion to stay arguing that defendants' defenses to her claims are frivolous. She also contends that there is no justifiable reason to stay discovery, though she does not support this contention with further facts or argument.

Upon consideration of the parties' briefs and a close review of the docket, which reveals several pending motions to dismiss filed by all defendants, the court finds that the administration of justice is best served by deciding defendants' motions to dismiss before the parties engage in extensive discovery. Accordingly, the court hereby GRANTS defendants' motion to stay discovery (DE # 40), and STAYS all discovery proceedings pending the resolution of said motions. Following decision on the motions to dismiss, if necessary, the court will enter further order as necessary to update the case management order and set forth a discovery schedule tailored to meet the needs of the parties and this forum.

SO ORDERED, this the 14th day of November, 2011.


LOUISE W. FLANAGAN
United States District Judge